

EXHIBIT AA

ADMINISTRATIVE REMEDY PROCESS

Mr. Tandy initially wrote Case Manager L. King at FCI Estill regarding the absence of his "Earned-Time" credits. Mr. Tandy has since filed an Informal and BP-9. Any further exhaustion would be futile due to a narrow dispute of statutory construction which is exempt from the exhaustion requirement. See Gambino, 134 F.3d at 171 ("exhaustion is not required when the Petitioner demonstrates that it is futile.")

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Unit Team	DATE: 12/10/2020
FROM: Jamaine Tandy	REGISTER NO.: 16256-021
WORK ASSIGNMENT: Camp Warehouse	UNIT: CB/FC

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Pursuant to 18 U.S.C. § 3632(d)(4), prisoners shall earn time credits for participation in evidence-based recidivism reduction programming or productive activities at a rate of 10 days of time credits for every 30 days of successful participation. Additionally, a prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk recidivism, shall earn an additional 5 days time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities. A review of my current Case Management Profile indicates that FCI Estill has failed to apply my "Earned Time" credits for "Evidence-Based Recidivism Reduction Training" under the First Step Act, 18 U.S.C. § 3632(d)(4)(A).

(Do not write below this line)

DISPOSITION: Refer to the attached Sentence Computation Data which indicates on 1-09-2020 GCT updated pursuant to First Step Act. Halfway House date 06-16-2021.

Signature Staff Member

RGA

Date

12/10/2020

Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94



PRINTED ON RECYCLED PAPER

Jamaine Tandy, Reg. No. 16256-021

A review of my programming record indicates that I should be granted credit for:

(A) CONTINUAL INMATE EMPLOYMENT

*Prison jobs are considered eligible for "EARNED-TIME" credits pursuant to the FSA.

My current release date via (GCT) is June 15, 2022 with a RRC transfer date of June 16, 2021. In light of my extensive participation in this evidence-based recidivism reduction programming, I have earned an entire year off my sentence. As a result, I should be immediately transferred to pre-release custody.

INFORMAL RESOLUTION DOCUMENTATION FORM

Inmates and staff are required to attempt an informal resolution of all complaints/requests prior to the filing of an administrative remedy.

An inmate with a valid complaint must complete the first three sections below and submit this form to his correctional counselor. Only ONE request per form.

Inmate Name: Jermaine Tandy Reg. No. 16256+021 Unit: CB/FC

Date Form Issued to Inmate: 12/18/2020 Date Received From Inmate: 12-21-2020

SECTION I: INMATE COMPLAINT/ACTION:

1. Nature of complaint/request - include date of incident: FCI Estill has failed to apply my "Earned-Time" credits pursuant to the First Step Act. As noted, the "FSA" allows prisoners to earn time credit for programming towards their sentence.

2. Relief requested - state briefly: FCI Estill should immediately apply 365 days of earned time credit towards my sentence.

3. Efforts made to resolve the problem (include contacts with staff, written cop-outs, etc.):
A request was made to Unit Team regarding this matter.

SECTION II: Staff Action:

Informally Resolved () Unable To Resolve (☒)

COUNSELOR'S COMMENTS (Include efforts to resolve informally):

Your request to be reviewed for FSA Federal Time Credits (FTC) for participation in Evidence-Based Recidivism Reduction (EBRR) and Productive Activities (PA) Programming pursuant to 18 U.S.C. 8326(x) has been noted. If you have enrolled in either an EBRR or PA on/after January 2020 your FTC's are currently accruing and will be calculated.

BP-9 Issued: Yes (☒) Date: 12/22/2020 No () Issue:

K. H. H. 12/22/2020
Counselor's Signature/Date

[Signature] 12-22-2020
Unit Manager's Signature/Date

THIS INFORMAL RESOLUTION FORM MUST BE ATTACHED TO THE BP-9

UNICOR FEDERAL PRISON INDUSTRIES INC.
LEAVENWORTH KANSAS

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Tandy, Jermaine</u>	<u>16256-021</u>	<u>CB/FC</u>	<u>FPC ESTILL</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A- INMATE REQUEST FCI Estill has failed to apply Mr. Tandy's earned time credits for evidence-based recidivism reduction programming under the First Step Act, 18 U.S.C. § 3632(d)(4)(A), a recently enacted statute aimed at assisting prisoners' reintegration into society. Due to Mr. Tandy's programming record he has earned at minimum 365 days.

The absence of Mr. Tandy's earned time credits are impacting the duration of his confinement. "The First Step Act, Pub. L. No. 115-015; 132 Stat. 015 (2018), provides comprehensive criminal justice reform by inter alia, creating a new risk and needs assessment system to provide appropriate programming for prisoners..." Musgrove v. Ortiz, No. CV-19-5222(NLH), 2019 WL 2249563, at *2 (D. N.J. May 24, 2019). FCI Estill should immediately apply Mr. Tandy's earned time credit of 365 days without further delay.

12-29-20

DATE


 SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

EXHIBIT AB

PROGRAM REVIEW AND PARTICIPATION LOG

JERMAINE TANDY 16256-021

ESTEO 531.01 *
PAGE 001 OF 001 *

INMATE HISTORY
WRK DETAIL

* 12-18-2020
* 15:00:25

REG NO.: 16256-021 NAME: TANDY, JERMAINE
CATEGORY: WRK FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
EST	COMMISSARY MO/TU/WE 6AM-3PM; TH 11AM-8PM	05-04-2020 1546	CURRENT
EST	C WHSE CLK CAMP WAREHOUSE CLERK	11-13-2019 1055	05-04-2020 1546
EST	UNASSIGNED A&O COMPLETE/UNASSIGNED	11-12-2019 1515	11-13-2019 1055
EST	SHU WORK SPECIAL HOUSING WORK ASSG	10-24-2019 1659	11-12-2019 1515
EST	C WHSE CLK CAMP WAREHOUSE CLERK	11-03-2017 0001	10-24-2019 1659
EST	C REC PM REC ORD 12:30P - 8:30P	01-13-2017 1335	11-03-2017 0001
EST	C A&O CAMP ADMISSION & ORIENTATION	12-28-2016 0943	01-13-2017 1335
ATL	DCU UNASSG DETENTION CENTER UNASSIGNED	12-22-2016 1702	12-28-2016 0349
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	05-14-2016 0001	12-22-2016 1020
LEX	VACATION VACATION	05-13-2016 0001	05-14-2016 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	03-12-2016 0001	05-13-2016 0001
LEX	VACATION VACATION	03-11-2016 0001	03-12-2016 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	01-01-2016 0001	03-11-2016 0001
LEX	VACATION VACATION	12-31-2015 0001	01-01-2016 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	07-14-2015 0001	12-31-2015 0001
LEX	VACATION VACATION	07-10-2015 0001	07-14-2015 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	01-03-2015 0001	07-10-2015 0001
LEX	VACATION VACATION	01-02-2015 0001	01-03-2015 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	01-01-2015 0001	01-02-2015 0001
LEX	VACATION VACATION	12-31-2014 0001	01-01-2015 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	09-16-2014 0001	12-31-2014 0001
LEX	VACATION VACATION	09-12-2014 0001	09-16-2014 0001
LEX	ACCT PAY 2 ACCOUNTS PAYABLE 2	08-26-2014 0001	09-12-2014 0001
LEX	ACCT PAY 1 ACCOUNTS PAYABLE 1	08-23-2014 0001	08-26-2014 0001
LEX	ACCT REC ACCOUNTS RECEIVABLE (878)	07-15-2014 0001	08-23-2014 0001
LEX	VACATION VACATION	07-11-2014 0001	07-15-2014 0001
LEX	ACCT REC ACCOUNTS RECEIVABLE (878)	01-04-2014 0001	07-11-2014 0001
LEX	VACATION VACATION	01-02-2014 0001	01-04-2014 0001
LEX	ACCT REC ACCOUNTS RECEIVABLE (878)	08-14-2013 0001	01-02-2014 0001
LEX	DIN RM PM DINING ROOM PM (294)	07-21-2013 0001	08-14-2013 0001
LEX	VACATION VACATION	07-16-2013 0001	07-21-2013 0001
LEX	DIN RM PM DINING ROOM PM (294)	06-26-2012 0001	07-16-2013 0001
LEX	F/S FOOD SERVICE GENERAL (292)	06-25-2012 0001	06-26-2012 0001
LEX	PEND MED INMATES WAITING JOB CLEARANCE	06-07-2012 0001	06-25-2012 0001
LEX	A/O ADMISS & ORIENTATION PGM #5514	06-05-2012 0001	06-07-2012 0001
LEX	DETENTION INMATES HOUSED IN SHU	05-24-2012 2134	06-05-2012 0001
LEX	A/O ADMISS & ORIENTATION PGM #5514	05-24-2012 1442	05-24-2012 2134
OKL	UNASSG UNASSIGNED HOLDOVER	05-22-2012 1715	05-24-2012 0740

G0000 TRANSACTION SUCCESSFULLY COMPLETED

ESTBQ 540*23 * SENTENCE MONITORING * 12-10-2020
PAGE 002 OF 002 * COMPUTATION DATA * 16:03:22
AS OF 12-10-2020

REGNO...: 16256-021 NAME: TANDY, JERMAINE

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-09-2020 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 07-15-2015 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 05-09-2012
TOTAL TERM IN EFFECT.....: 168 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 14 YEARS
EARLIEST DATE OF OFFENSE.....: 07-31-2010

JAIL CREDIT.....:	FROM DATE	THRU DATE
	03-10-2010	03-11-2010
	07-14-2010	05-08-2012

TOTAL PRIOR CREDIT TIME.....: 667
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 756
TOTAL GCT EARNED.....: 540
STATUTORY RELEASE DATE PROJECTED: 06-15-2022
ELDERLY OFFENDER TWO THIRDS DATE: 11-10-2019
EXPIRATION FULL TERM DATE.....: 07-10-2024
TIME SERVED.....: 10 YEARS 4 MONTHS 29 DAYS
PERCENTAGE OF FULL TERM SERVED...: 74.4
PERCENT OF STATUTORY TERM SERVED: 87.3

PROJECTED SATISFACTION DATE.....: 06-15-2022
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: 6/30/15;DGA REDUCTION 18:3582 EFFECTIVE 11/1/15.K/JKC
01-09-2020 GCT UPDATED PURSUANT FSA-K/ATL.

G0000 TRANSACTION SUCCESSFULLY COMPLETED

ESTBQ 540*23 *	SENTENCE MONITORING	*	12-10-2020
PAGE 001 *	COMPUTATION DATA	*	16:03:22
	AS OF 12-10-2020		

REGNO...: 16256-021 NAME: TANDY, JERMAINE

FBI NO.....: 80330VB6	DATE OF BIRTH: 07-14-1982	AGE: 38
ARS1.....: EST/A-DES		
UNIT.....: UNT F	QUARTERS.....: C03-316L	
DETAINEES.....: NO	NOTIFICATIONS: NO	

HOME DETENTION ELIGIBILITY DATE: 12-15-2021

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 06-15-2022 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: GEORGIA, SOUTHERN
DOCKET NUMBER.....: CR410-00159-020
JUDGE.....: EDENFIELD
DATE SENTENCED/PROBATION IMPOSED: 05-09-2012
DATE COMMITTED.....: 05-24-2012
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$17,500.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391 21:846 SEC 841-851 ATTEMPT
OFF/CHG: 21:846 CTPWITD AND DISTRIBUTE, CONTROLLED SUBSTANCE (100.KGMS
OR MORE OF MARIHUANA)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 210 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
NEW SENTENCE IMPOSED.....: 168 MONTHS
BASIS FOR CHANGE.....: USSG DRG QNTTY DCSN 11-01-2014
DATE OF OFFENSE.....: 07-31-2010

G0002 MORE PAGES TO FOLLOW . . .

EXHIBIT AC

MALE PATTERN SCORE

Mr. Tandy has been scored consecutively as being LOW risk for recidivism. This establishes he is entitled to 15 days earned time credit per 30 days of EBRR Programming.

MALE PATTERN RISK SCORING					
Register Number:	16256-021	Date:	11/9/2020		
Inmate Name:	TANDY	JERMAINE			
MALE RISK ITEM SCORING	CATEGORY	GENERAL SCORE	Enter Score	VIOLENT SCORE	Enter Score
1. Current Age	> 60	0		0	
	51-60	7		4	
Click on gray dropdown box to select, then click on dropdown arrow	41-50	14	21	8	12
	30-40	21		12	
	26-29	28		16	
	< 26	35		20	
2. Walsh w/Conviction	No	0	0	0	0
	Yes	1		0	
3. Violent Offense (PATTERN)	No	0	0	0	0
	Yes	5		5	
4. Criminal History Points	0 - 1 Points	0		0	
	2 - 3 Points	8	16	4	8
	4 - 6 Points	16		8	
	7 - 9 Points	24		12	
	10 - 12 Points	32		16	
	> 12 Points	40		20	
5. History of Escapes	None	0	0	0	0
	> 10 Years Minor	2		1	
	5 - 10 Years Minor	4		2	
	< 5 Years Minor/Any Serious	6		3	
6. History of Violence	None	0	0	0	0
	> 10 Years Minor	1		1	
	> 15 Years Serious	2		2	
	5 - 10 Years Minor	3		3	
	10 - 15 Years Serious	4		4	
	< 5 Years Minor	5		5	
	5 - 10 Years Serious	6		6	
	< 5 Years Serious	7		7	
7. Education Score	Not Enrolled	0	-4	0	-2
	Enrolled In GED	-2		-1	
	HS Degree / GED	-4		-2	
8. Drug Program Status	No DAP Completed	0	-3	0	-1
	NRDAP Complete	-3		-1	
	RDAP Complete	-6		-2	
	No Need	-9		-3	
9. All Incident Reports (120 months)	0	0	0	0	0
	1	1		1	
	2	2		2	
	> 2	3		3	
10. Serious Incident Reports (120 months)	0	0	0	0	0
	1	2		2	
	2	4		4	
	> 2	6		6	
11. Time Since Last Incident Report	12+ months or no incidents	0	0	0	0
	7-12 months	2		1	
	3-6 months	4		2	
	< 3	6		3	
12. Time Since Last Serious Incident Report	12+ months or no incidents	0	0	0	0
	7-12 months	1		2	
	3-6 months	2		4	
	< 3	3		6	
13. FRP Refuse	NO	0	0	0	0
	YES	1		1	
14. Programs Completed	0	0	-6	0	-3
	1	-2		-1	
	2 - 3	-4		-2	
	4 - 10	-6		-3	
	> 10	-8		-4	
15. Work Programs	0 Programs	0	0	0	0
	1 Program	-1		-1	
	> 1 Program	-2		-2	
Total Score (Sum of Columns)		General:	24	Violent:	14
General/Violent Risk Levels		General:	Low	Violent:	Low
OVERALL MALE PATTERN RISK LEVEL		Low			


EXHIBIT AD

DECLARATION OF JERMAINE TANDY

I, Jermaine Tandy, am over the age 18 and fully competent to make the following declaration:

- 1) I am currently incarcerated at Federal Correctional Institution Estill ("FCI ESTILL"), in Unit CB. My Federal Bureau of Prisons Register Number is 16256-021.
- 2) Since December 21, 2018, I have participated in the following Evidence-Based Recidivism Reduction Training:
 - (A) CONTINUAL INMATE EMPLOYMENT (CAMP COMMISSARY / WAREHOUSE CLERK)
- 3) I am eligible for earned time credits under the First Step Act.
- 4) The Unit Team assigned Programming Activities for me at Unit Team.
- 5) The assignments by Unit Team meet the requirements.
- 6) I have earned enough credit to reduce my sentence by 365 days and for immediate transfer to pre-release custody to include an RRC or home confinement for the maximum period authorized by the "FSA".
- 7) If my days of credit are applied upon program completion, under 18 U.S.C. § 3632(d)(4), 3635, I should have been released by now.
- 8) FCI Estill staff are attempting to obstruct my Administrative Remedy Rights by responding late and misrepresenting the facts. Thus, keeping me from pursuing my liberty interests in this matter.

I declare under the penalty of perjury that the foregoing is true and correct.

/s/ 

JERMAINE TANDY